

CIA INTERNAL USE ONLY

29 October 1964

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Review of Agency Early Retirement Regulations

1. This memorandum is for information.

2. The three lawyers listed below, who were my first choice for making the review of our early retirement regulations which the Director desires, unhesitatingly agreed to undertake this task.

Fowler Hamilton, Cleary, Gottlieb, Steen &
Hamilton, New York, New York

Steuart L. Pittman, Shaw, Pittman, Potts,
Trowbridge & Madden, Washington, D. C.

Mortimer M. Caplin, Caplin, Battle & Harris,
Washington, D. C.

3. The lawyers have been given an unclassified package, which includes the complete published record on the legislative history from the presentation of the bill to the House committee, through the various hearings and procedures with published reports thereon, to the final bill and the President's comments on signing. We have also included some additional published material relating to the bill. We have also given each one an unclassified copy of the regulations.

4. It is our plan, to which they agreed, that when they have absorbed this material to their satisfaction we will give them a classified briefing on the Agency organization generally, with emphasis on the personnel problems involved and with special attention to the problem areas arising under the act. At that time we will also make available to them the classified aspects of the regulations, our detailed explanation and justification material we used with the committees,

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and the full classified transcript of the hearings. This will take about two weeks, partly due to the burden of other matters on these three busy lawyers, although they are going to give first attention to our request.

5. Mr. Hamilton will bring in a partner to assist him, Mr. Robert W. Wales, and Mr. Caplin will also bring in an assistant, Mr. Robert H. Elliott. We should have no trouble with the appropriate clearances before these people are exposed to classified material as they have held high positions in the Department of the Treasury.

6. I think it is most important to note that all three of the primary lawyers regard their function to render an opinion to the Director of Central Intelligence and not to be proponents for the Agency's position before congressional committees. I agree with this and strongly feel that not only will the congressional committees tend to disregard any presentation by these three outside lawyers but they would in all probability resent it. This does not mean we cannot use their opinions to good effect, both with the Bureau of the Budget and the congressional committees in support of our regulatory material, but I believe it is clear that we could not obtain the services of these three or any reputable lawyers if it were contemplated that we would interject them into the committee process. It is interesting to note that Mr. Hamilton insists on performing this service pro bono publico, and when I thanked him he said that he would be glad to do anything possible he could for the Agency. Mr. Pittman and Mr. Caplin have not as yet raised the question of fees, but if they do I feel that they are going to spend considerable time and effort and will have earned fees if they ask for them.

7. Attached is a copy of the memorandum I gave to each lawyer to outline the problem.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

Attachment

cc: DDCI
ExDir-Comp
DDS
D/Personnel
D/Security
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OGC chrono
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OGC Has Reviewed

23 October 1964

MEMORANDUM FOR: Consultants to the Director on the Early Retirement Program

SUBJECT: Early Retirement Regulations

1. At the present time all staff employees of the Central Intelligence Agency are under the Civil Service Retirement System, but we have long felt it necessary to develop an improved retirement system for those staff employees whose primary career is in the conduct of or in support of intelligence operations overseas, and for a certain few employees who, due to the unusual nature of their work or the conditions under which they work, are clearly unlike the majority of Civil Service employees.

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4. The regulations in question have been drafted with the participation of the appropriate elements of the Agency so that the Agency's position is now established. We will next have to present them to the Bureau of the Budget and then to the two committees of the Congress. Before doing so, Mr. McCone would like an objective review of the regulations to see, first, if the Agency has complied with the intent of the law and with the spirit of presentations to and discussions with the Congress, and secondly, that the language of the regulations is sufficiently clear and specific so that the participants will be clearly identified under the criteria established in the regulations. For this reason, we would greatly appreciate your review of these regulations and your opinion of them in the light of these two points.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel